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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,702	01/23/2002	Jose Manuel Valero Salinas	279 P002	2651
7590 07/26/2004			EXAMINER	
Marc D Machtinger Law Office of Marc D Machtinger Suite 350 750 W Lake Cook Road Buffalo Grove, IL 60089			FISCHER, JUSTIN R	
			ART UNIT	PAPER NUMBER
			1733	
DATE MAILED: 07/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/913,702

### Applicant(s)

VALERO SALINAS, JOSE  
MANUEL

### Examiner

Justin R Fischer

### Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-10 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. The indicated allowability of claims 5, 6, and 8-10 is withdrawn in view of the newly discovered reference(s) to Edwards (US 3,928,939). Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards (US 3,928,939, newly cited) and further in view of either one of Golden (US 5,302,221, of record) or Lindsey (US 4,008,114, of record). Edwards is directed to an apparatus for applying a reinforcement material or film "F" to a formwork or cylindrical object 20 comprising (on an elongated bench) a pair of longitudinal rollers 18, 19 that define a seat for said cylindrical object and confer a rotational movement to said cylindrical object and a carriage having a delivery reel or supply roll 42, wherein said carriage is slidable along the longitudinal direction of the cylindrical object and is capable of being angularly rotated in relation to the cylindrical object (Columns 2 and 3 and Figures 1-14). Also, a brake 60 is associated with the supply roll in order to wrap the film about the cylindrical object with the desired amount of tension. The reference is only devoid of a specific teaching to include upper pressure rollers. In any event, one of

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ordinary skill in the art at the time of the invention would have found it obvious to include upper pressure rollers in the apparatus of Edwards since such an arrangement is extensively used in the winding industry in order to optimize the contact between the layer being wound and the cylindrical object (provides accurate positioning). For example, Lindsey and Golden evidence the conventional use of pressure rollers in the winding industry. It is noted that this position was set forth by the examiner in the previous office action and was not challenged by applicant.

Also, as currently drafted, the claims contain language that represents the intended use of the machine- this language does not further define the structure of the claimed machine. It is evident that the machine of Edwards is generic to the wrapping of a film or layer on a cylindrical object and thus, it is capable of being used in an operation that involves applying a fiberglass reinforcement to a disposable formwork for columns preferably made of expanded polystyrene.

Regarding claims 5 and 6, the apparatus of Edwards contains a pair of longitudinal guides or tracks 77, 78 that define a longitudinal path for the carriage, wherein the carriage is propelled along said path using a motor 83 (assembly contains drive chain 85). Also, a second motor 92 that changes the angular relationship between the supply roll and the cylindrical object is mounted on the carriage (Column 4, Lines 8-40).

With respect to claims 7-10, the apparatus of Edwards include a film cutting means 63 (seen to constitute a blade). In this instance, it appears that the blade is rotatable about the axis described as "21" by the claimed invention. It would have been

within the purview of one of ordinary skill in the art at the time of the invention to include a blade that was movable along the axis as it simply represents a different arrangement that fails to further define the apparatus- moreover, it represents a design choice that does not modify the operation of the device.

***Allowable Subject Matter***

4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The reasons for allowance have been previously set forth in the previous office action (Paragraph 3).

***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 2, and 5-10 have been considered but are moot in view of the new ground(s) of rejection. Applicant provided the sole argument that Garcia failed to include a brake- while not expressly noted by the examiner, the apparatus of Garcia contains a wheel/pad assembly 12, 14 that constitutes a brake in that it serves to apply a desired amount of pressure in order to maintain the strip under tension. This rejection has been withdrawn, though, due to the inclusion of newly cited Edwards, which significantly teaches the claimed invention and includes structural components that were not expressly disclosed by Garcia.

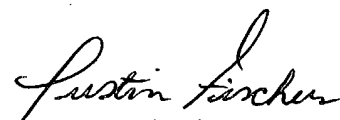
***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Justin Fischer

July 21, 2004

  
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